**IN THE HIGH COURT OF JUDICATURE**
**AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**PARSI SUIT NO.10 OF 2007**
**ALONGWITH**
**PARSI SUIT NO.20 OF 2006**

Shazneen R. Irani ...Plaintiff/1 st Plaintiff
Vs.
Rustom S. Irani ...Defendant/2 nd Plaintiff

Mrs.A.S. Khushrushahi for Plaintiff
Ms.Shazneen R. Irani Plaintiff present
None for the Defendant & Defendant absent.

**CORAM: SMT. ROSHAN DALVI, J.**
**(Aided by A Foreman, two ladies & two Gentlemen)**
**DATED: 12TH MARCH, 2007**

**P.C.**

1. The parties initially agreed to put an end to the dispute and dissolve their marriage by a Consent Petition No.20 of 2006. The affidavit was got affirmed and verified by Plaintiff No.2 in that Suit in Auckland, New Zealand. The evidence of Plaintiff No.1 in that suit was recorded by Court. The affidavit of evidence of Defendant No.2 has been affirmed in Auckland, New Zealand. It is tendered in Court. The affidavit is taken on record. Both parties are seen to have

mutually agreed to dissolve their marriage.

2. However, the Plaintiff No.2 in Suit No.20 of 2006 could not attend Court. The Suit came to be adjourned till this Session.

3. The Plaintiff has filed the later Suit No.10 of 2007. The proceedings in the suit has been served upon the Defendant through courier. The affidavit of service is taken on record. The Plaintiff tenders the affidavit of examination-in-chief. The Defendant has not defended the Suit by filing any written statement. The averments in the Plaint are not denied and have remained uncontroverted. No issues, therefore, arise in the Suit for the consideration of the Court.

4. The Suit must therefore, be decreed under the provisions of Order 8 Rule 10 of the CPC. The Jury which is present before the Court is informed of this position. The Suit is decreed in terms of prayer clause (a).

5. The two minor children live with the mother. Consequently, the Suit is also decreed in terms of prayer clause (b).

6. The Suit No.20 of 2006 is disposed of accordingly. NOC.

**(SMT.ROSHAN DALVI, J.)**